

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

ATP
CM

United States of America,

-vs-

ORDER

CR-97-1066 (FB)

Alberto Rivera,
Defendant.

On February 7, 2008 the Court issued an order to show cause directing the government to respond as to why the above defendant should not be re-sentenced to time served pursuant to T. 18 U.S.C. Section 3582(c)(2) and U.S.S.G. Section 1B1.10 (as amended 3/3/08) and Rule 35 of the F. R. Crim. P..

On February 21, 2008 the government filed their letter response indicating that this defendant should not be re-sentenced to time served, because the defendant is a career offender which makes him ineligible for the 2 level reduction. Accordingly it is

HEREBY ORDERED that the sentence imposed on February 26, 1999 shall remain in effect.

The clerk is directed to mail copies of this notice to all parties.

DATED: Brooklyn, New York
February 27, 2008

/ s/Frederic Block

U.S.D.J.